

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT**

**NASHVILLE, TENNESSEE**

February 20, 2002

**IN RE:**

**PETITION OF ON-SITE SYSTEMS, INC. TO AMEND ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY**

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**DOCKET NO.  
01-01128**

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**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.  
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

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This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on February 5, 2002 to consider the Petition (the "Petition") of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an area known as the Eagle Crest II development ("Eagle Crest II") in Sevier County, Tennessee.

**Legal Standard for Granting CCN**

On-Site's Petition was made pursuant to and was considered in light of the criteria for granting a CCN as set forth in Tenn. Code Ann. § 65-4-201, which provides, in pertinent part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

## **Background**

On April 4, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee.

## **Petition to Amend CCN**

On December 19, 2001, On-Site filed its Petition to amend its CCN to expand its service area to include Eagle Crest II. A map showing the area to which On-Site proposes to extend service is attached to its Petition. In its Petition, On-Site states that neither the City of Pigeon Forge nor Sevier County has the desire or ability to provide wastewater service to Eagle Crest II. With its Petition, On-Site submitted a letter dated October 11, 2001 from Earlene M. Teaster, City Manager of Pigeon Forge, stating that the City has no plans to extend sewer service to Eagle Crest II within the next twelve (12) months. In addition, On-Site submitted a letter dated November 29, 2001 from Sevier County Planner David Taylor, stating that Sevier County does not have plans to provide wastewater service to Eagle Crest II.

On-Site filed a rate schedule with its Petition in this docket which states that residential rates for Eagle Springs will be as follows:

Total monthly charge	\$35.11
Non-payment fee	5% of monthly charge
Disconnection fee	\$10
Reconnection fee	\$15
Returned check fee	\$20
Access fee	\$84/year

This rate schedule comports with the rate schedule for On-Site approved by the Authority in Docket No. 99-00393 on January 11, 2000. In addition, On-Site filed commercial rate schedules in this docket which comport with the rate adjustment for commercial customers

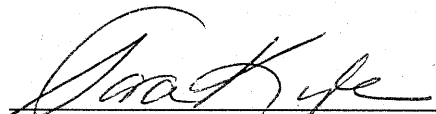
approved by the Authority in Docket No. 00-01128.<sup>1</sup>

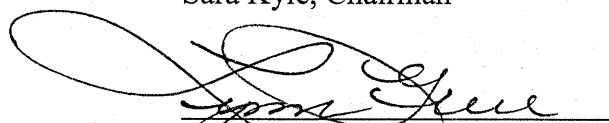
On February 5, 2002, On-Site's Petition came before the Authority at a regularly scheduled Authority Conference. Upon consideration of the Petition and the entire record, the Authority finds that the present and future public convenience and necessity require the approval of On-Site's Petition. Pursuant to Tenn. Code Ann. § 65-4-201, the Authority grants On-Site's Petition.

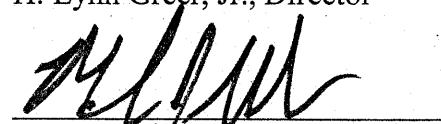
**IT IS THEREFORE ORDERED THAT:**

1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service area to include an area known as the Eagle Crest II development in Sevier County, Tennessee, as shown in the map attached to the Petition, is approved.


2. On-Site's rates for wastewater service to Eagle Crest II shall be as listed in the rate schedule filed with On-Site's Petition and as set forth in this Order.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary

<sup>1</sup> See Order Approving Amendment of On-Site Systems, Inc.'s Certificate of Public Convenience and Necessity, Franchise, and Commercial Rate Adjustment, Docket No. 00-01128 (October 23, 2001).